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SUBJECT: TRAFFICKING IN PERSONS (TIP) REPORT

REF: A. STATE 22225, B. 02 ABUJA 02976, C. ABUJA 00159

¶1. The following is post's submission for the annual Trafficking in Persons (TIP) report. Paragraphs below are keyed to questions in reftel. Note: Post tried to confine material to respective sections, but several examples have overlapping relevance to the general overview, prevention, prosecution, and protection questions. Details in each section have shared relevance with the others and are best reviewed as a whole.

¶2. OVERVIEW OF A COUNTRY'S ACTIVITIES TO ELIMINATE TRAFFICKING IN PERSONS:

A and B. Nigeria is a country of origin, transit, and destination for international trafficked men, women, and children. Nigeria is primarily a point of origin, though it also serves as a significant transit area for trafficking in the sub-region. To a lesser extent it is a destination point for young children from nearby West African countries. There is also a sizeable, but unquantifiable, internal trafficking network for forced labor and commercial sexual exploitation (CSE) within Nigeria. While the majority of trafficking from Nigeria involves females destined for brothels in Southern Europe, estimated thousands of young males are trafficked to other African countries, including Gabon, Cameroon, Equatorial Guinea, Cote d'Ivoire and the Benin Republic, to work on farms or plantations. Some children are coerced into prostitution. Press reports claim 18 children per month are repatriated from Gabon to Nigeria's eastern cities. Authorities have identified another trafficking route of children through Katsina and Sokoto to the Middle East and East Africa. This practice reflects historic slave trade routes between Sub-Saharan Africa and the Middle East. Eastern Nigeria and Cross River and Akwa Ibom states have been the focus of trafficking of children for labor and, reportedly in some cases, human sacrifice. Many children are sold for as little as \$50.00, according to press sources. There were credible reports in 2002 that poor families sold their daughters into marriage as a means of supplementing their income. Traffickers profited USD 50 to 1,500 or more per child, depending on the child's earnings.

Sources of information regarding Nigerian involvement in the international sex trade, the largest "employer" of Nigerian trafficking victims, include press, government officials, NGOs, victims, transportation company personnel, law enforcement authorities, international aid agencies and diplomatic missions. The UN International Office of Migration (IOM) estimates that as many as 300,000 Nigerian women were trafficked for CSE since 1997. In May 2002, Minister of State Musa Elayo said that between 3,000 and 4,000 Nigerian trafficking victims are repatriated annually and called for passage of the National Assembly's anti-TIP bill. The Italian Ambassador to Nigeria recently estimated that 18,000 Nigerians prostitutes currently in Italy were trafficking victims. Nigeria and Italy signed and are implementing a bilateral agreement to protect and repatriate victims. In the past four years, Italy and Nigeria have cooperated to repatriate over 1,500 such victims. In June 2002, 200 victims were deported to Nigeria. On average now, there are about 50 women deported to Nigeria per week. While many had gone willingly to Italy, others were forced or duped by family members or criminal gangs or driven by dire economic conditions into the international sex industry. Some believed they were going to work as waitresses or domestic staff, and were forced into prostitution in order to pay off the debt of being trafficked internationally. Other significant receiving countries for trafficked Nigerians include the Netherlands, Spain and France. In one glaring example, in 1999 a Dutch

court convicted the former Ambassador of the Netherlands to Nigeria for providing visas to Nigerian women allegedly to engage in the commercial sex trade.

1C. As in the 2002 report, fewer trafficking syndicates appear to be trafficking females to Europe via air routes. Instead, some are opting for the more circuitous but less scrutinized land routes across West Africa and the Sahara. This change appears to be caused by improved interdiction efforts by airlines, European diplomatic missions in Nigeria, and immigration authorities at European airports. The adoption of Shari'a-based legal systems by northern states resulted in the stronger enforcement of laws against child prostitution there. However, NGOs and journalists have reported that Koranic scholars in the north are exploiting child labor, and many children are reportedly being trafficked to Saudi Arabia during the Hajj. Immigration estimates it sees about 20 cases of trafficking per month.

1D. The extent and nature of trafficking in Nigeria has been studied and reported on by various sources listed above. As stated last year, the ILO's International Program for the Elimination of Child Labor (IPEC) has conducted a regional study of child trafficking patterns in eight West African countries. This excellent resource, part of a \$4.3 million regional anti-trafficking project funded by USDOL, is available on the Internet at www.ilo.org. Recent USAID and DOL studies based on surveys carried out by the International Institute of Tropical Agriculture explore Nigerian child labor in the cocoa industry. A similar study produced by UNICEF (available at www.unicef.org) also provides quality information. In 2001 UNICEF published a report called "Children's and Women's Rights in Nigeria: A Wake-up Call" (not available on the Web site). The International Organization of Migration (IOM) funded a study by the University of Benin (Edo State, Nigeria) to ascertain the extent of the problem in Nigeria, but the report remains unpublished to date. When released, this report may contain the most comprehensive data on trafficking within the country.

1E. Most victims trafficked to Nigeria are young children from neighboring states, including Togo and Benin Republic. Thousands of children are also trafficked domestically. Girls are usually placed in homes as domestic servants; most boys become agricultural laborers. Some of the children involved in this trade are incorporated into households, working as "wards." A smaller number may be used to hawk goods on street corners or to beg. Traffickers take advantage of a cultural tradition of "fostering," under which it is acceptable to send a child to live and work with a more prosperous family in an urban center in return for educational and vocational advancement. Often the children in these situations only work and do not receive any formal education; however, many families who employ children as domestic servants also pay their school fees. Other children are forced to hawk goods for their parents or guardians, selling nuts, fruits, and other items in the streets, at times amidst heavy traffic. Fear of physical punishment, language barriers, and traditional religious practices are used to control victims. Child workers also fear the deadly poverty that may befall a parent or other family member if he or she does not earn a living. In countries such as Nigeria where many practice animism, the belief in "juju" curses and oaths has considerable effect on silencing children in forced labor. Ref B discusses child labor conditions further.

1F. Traffickers target impoverished families in rural areas for child trafficking from Nigeria, particularly in Cross River, Akwa Ibom, Imo, Abia, and Ebonyi states. Some children are trafficked for labor in Cameroon, Gabon, Benin Republic, and Equatorial Guinea to work in agricultural enterprises or as market traders. (These children are also targeted for domestic trafficking as domestic servants in Abuja and Lagos.) Nigeria's ministry of women's affairs estimates some 6,000 Nigerian children between ages 6 and 13 are enslaved as farmhands and domestic servants in West Africa. Some traffickers kidnapped children from school grounds; at least one such example was rescued by a family and returned to his family.

Traffickers may be a distant relative or a friend of a friend, often called a "sponsor" or an "aunty," who approaches poor parents with promises of a better life for their child international or domestically in the home of a wealthy urban family. Parents, ignorant of the conditions awaiting their child, often agree in exchange for a small sum or the promise of salary remittance. Traffickers have also reportedly tried to have children in juvenile courts

released to their custody, which has aroused the suspicions of a few alert magistrates in local courts.

Children are sometimes trafficked through southeastern Nigeria through the riverine areas at night by small boats, locally referred to as "Ijaw Airways" (Ijaw and Itsekiri are reportedly common conductors of these passageways). Children are packed in boats or canoes and can spend days without food or water on the high seas to reach international destinations. Some of these victims jump overboard; others die in boat accidents; some are reportedly shot by police upon arrival. Documentation is not necessarily used, but falsified passports or illegitimately-issued genuine passports are also likely used (per experience in the U.S. visa section of the mission). In Libreville, trafficked Igbo children are forced to hawk goods in markets, endure beatings, and receive little or no compensation. Some child victims have grown to adulthood in these conditions; despite their desire to return to their native land, they cannot afford the exit visa fee and/or fines for having been in Gabon illegally.

Traffickers mostly target young women for the international sex trade, but some are also used as drug couriers. Edo is followed by Delta State as the main suppliers of Nigerian prostitutes for Italy. Anecdotal evidence suggests that Edo indigenes began migrating to Italy to work as migrant farm laborers several decades ago. These laborers began facilitating the travel of other Edo residents to Italy for work. Some of these individuals became involved with drug trafficking and other criminal activities. In the 1980s and 1990s, Nigerian criminal networks, primarily in Turin and Milan, began facilitating travel of young women for prostitution. Ironically, many traffickers are former victims who have paid off their madams and begun recruiting girls from their home areas to Italy. Many traffickers prefer overland routes through Benin, Togo and Ghana. Some victims then fly from Accra or Abidjan to Europe. Others move overland to Conakry, then to Bamako, then to Algiers or Casablanca for sail across the Western Mediterranean to Spain. Staying in safehouses along the way, the overland route takes two to three weeks, and many victims die of heat exhaustion in transit. In addition, Kano's international airport is becoming a new hub for traffickers, given regular flight service from this airport to destinations in eastern Africa and the Middle East. Victims are also being taken overland to Niger and Morocco or driven through Egypt to the Middle East and Europe.

Many young women claim they are told they will perform work other than prostitution and then are forced into the sex trade once abroad. Other young women know they will be in the sex trade. What most do not know are the horrendous conditions they will encounter. A Madam may pay a trafficker USD 12,000 per victim. Many are not paid the salaries promised, forced into indentured servitude to repay smuggling fees as high as USD 50,000, and are subjected to physical and sexual abuse to keep them from alerting foreign law enforcement authorities. The Madam may profit USD 20,000 to 50,000 per victim. Traffickers often use family pressure to ensure the victims' participation. Nigerian crime syndicates may threaten or use indebtedness, beatings and/or rape, physical injury to or even murder of the victim's family members, arrest and deportation to persuade those forced into a life of servitude from attempting to escape. Many trafficking victims are forced to undergo ritual cultural oaths of secrecy or are swayed with charms. Because belief in traditional religions is still maintained by a number of Nigerians, even those practicing Christianity or Islam, those juju rituals can keep many victims from contacting authorities about their abuse. See also section H below.

1G. Despite the significant efforts discussed throughout this report, the GON has been unable to comply with the minimum standards of the U.S. Trafficking Victims Protection Act (TVPA). In the past year, the Federal Government showed no new commitment of resources to fighting TIP. In June 2002, the House of Representatives passed a draft anti-trafficking in persons bill. The Senate passed the bill on February 6, 2003, and it now awaits President Obasanjo's signature into law.

News reports alleged that the law would transform the Women Trafficking and Child Labour Eradication Foundation (WOTCLEF), an NGO founded by Amina Titi Atiku Abubakar, wife of Vice President Atiku, into a federally funded and staffed agency. A source who testified at the Senate hearings on the bill denies any such provision is included in the law. On January 28, 2003, the House of Representatives ratified

the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons. On the same day, the House rescinded its previous decision (on October 30, 2002) which rejected the Child Rights Bill. Public hearings on the bill will review and reconsider the bill, whose sections setting the minimum age for marriage at 18 are considered "offensive" to some Nigerian customs. Despite the delay in passing this domestic law on child rights, Nigeria did ratify the UN Convention on the Rights of the Child in the early 1990s.

Although various laws have proscribed child labor in Nigeria continually since colonial times, in 2002 President Obasanjo signed the instruments of ratification for ILO Convention 182, Worst Form of Child Labor, Convention 138, Minimum Age for Employment, and Convention 111, Equality of Occupation. President Obasanjo recognizes TIP as a threat to Nigeria and remains personally committed to the issue, frequently speaking out against it. The Ministry of Foreign Affairs has designated an office to handle TIP issues. In 2002 the Government established an inter-ministerial Committee to Address TIP, but this committee lacked its own budget and oversaw no programs. Police and immigration have dedicated TIP units. The Police Anti-TIP Task Force of 10 officers in Lagos was created by the GON in 1999 to assist with the repatriation of trafficked victims and to build criminal cases against suspected traffickers. Other anti-TIP units are located in eleven critical states, which the GON plans to staff with 100 officers. Government programs for health, education and general social development, while not earmarked to address trafficking per se, indirectly do help address factors contributing to trafficking.

IH. Post has received credible reports that individual government officials facilitate trafficking via passive complicity, lacking will to fight the problem, or by actively condoning the practice. Corruption is common in Customs, the National Police Force and Immigration, where most personnel are underpaid and poorly trained. Some repatriated TIP victims have alleged the active participation of Nigerian Immigration officials as a part of the trafficking syndicates. Returnees have reported that they boarded flights to Italy for a fee (\$10,000 to \$15,000) without any passport or visa.

In November 2002, the GON announced its investigation of a retired senior customs or immigration officer and two others suspected of trafficking children in Abuja. Post's last information on this case showed the GON was searching for the suspects. Allegations against the former official were made by an official in the Internal Affairs Ministry, who said he had "heard children crying in the night at [the suspects' addresses], then you would hear the sound of a vehicle going out of the premises and then you no longer hear the cries." Many women are reportedly trafficked through neighboring countries using forged travel documents identifying them as non-Nigerians. Ghana and Guinea serve as the main transit points using this method. The arrest of 15 Nigerian traffickers and rescue of 33 Nigerian women and girls in Conakry in 2001 revealed the major role Guinea plays as a transit hub for Nigerian females bound for Europe (please see section I under "INVESTIGATION AND PROSECUTION OF TRAFFICKERS" for more information on this case.)

II. The National Police Force, Customs, Immigration, and other relevant authorities lack financial resources and a sustained political commitment from the Federal Government to combat trafficking in persons effectively. Few officers have been trained adequately to identify and monitor traffickers. A handful of notable crusaders in the police force, mostly females, are personally committed to the issue and effect the largest results. They regularly use their own funds or resources to feed and care for deportees, or to pay for travel to neighboring states for investigations. Former Deputy Inspector General (DIG) of Police Abimbola Ojomo and Head of the Lagos-based task force against TIP, Mrs. D.A. Gimba, demonstrate a personal commitment to fight traffickers and aid victims. Immigration comptrollers are visiting state officials, local government authorities, and traditional rulers to raise awareness of the issue.

Corruption, endemic in Nigerian society after decades of misrule and mismanagement by military rulers, remains one of the GON's most pressing problems. The GON could summon adequate resources to address the TIP problem, but to date has chosen to allocate resources to other pressing, and equally distressing, problems facing the country. Reports from air carriers suggest that most sex workers travel with authentic documents. False Nigerian documents can be purchased cheaply and easily. Italian documents, particularly the residency permit, are extremely vulnerable

to fraud. The GON has not demonstrated the ability nor the will to curb fraud in the issuance of travel documents. Therefore, the onus has fallen on Italian authorities to control entry. In 2002, the Italian and Nigerian governments signed a repatriation agreement, but this does not seem to address the problem of immigration fraud. Police attempts to stem TIP were inadequate, and frequently the victims were subjected to lengthy detention and public humiliation upon repatriation.

13. PREVENTION:

1A. The GON acknowledges that trafficking is a problem and is aware of the negative image that trafficking generates. However, many GON officials put the responsibility for addressing the international TIP problem on destination countries, such as Italy. Some officials and even NGOs blame the problem on demand for Nigerian prostitutes in Europe. The trafficking of women and children from northern Nigeria to Saudi Arabia is a growing problem, but officials of these predominately Muslim states are reluctant to admit the existence of a sex or labor trade to Muslim countries. Nigerian Government officials also do not openly admit the internal trafficking of children within Nigeria for forced labor purposes.

1B. In the past year, a number of Nigerian government agencies became more involved in anti-trafficking efforts, particularly at the state level. Several governors and their spouses have developed a personal interest in the issue and begun holding state ministerial-level meetings, including such state and local agencies as Women's Affairs, Social Development, Police, Justice, Children's Affairs, Juvenile Courts, and the Attorney General. Among the most active new examples are Governor and Mrs. Achike Udenwa in Imo, Governor and Mrs. Peter Odili in Rivers, Governor and Mrs. Victor Attah in Akwa Ibom, and Governor Orji Kalu in Abia. At the federal level, the main anti-TIP body is the inter-ministerial committee to address TIP.

GON anti-trafficking efforts still focus largely on law enforcement through Customs, Immigration, and the Nigerian Police Force, including the Anti-TIP Task Force in Lagos. In the past, police attempted to deter the trafficking of women by imposing jail sentences and publicly humiliating the victims. In 1999, the federal Criminal Investigation Department (CID) paraded a group of 47 females and 17 male victims before the press in Lagos. Later that year, 62 undocumented women were deported from Italy to Nigeria and met by police, local media, their parents and village chiefs. They were promptly arrested. Such deportations from Italy are common now, and the deportees are not arrested but rather released after a cursory screening. Both approaches to handling the deportees appear ineffective as greed continues to motivate parents, relatives, and traffickers in the sex industry. The absence of punishment for traffickers also encourages them to continue their crimes. One of the highest-risk groups for trafficking is returned victims. Former Deputy Inspector General Ojomo, who has participated in several international trafficking conferences, searches for sponsors for rehabilitation programs for returned prostitutes to prevent their being re-trafficked.

1C. National public awareness campaigns undertaken by NGOs, prominent politicians, state governments, presidential statements, and the press are gaining widespread attention. Public awareness of TIP increased with Nigerian participation in trafficking for Commercial Sexual Exploitation (CSE) in Europe and awareness of child trafficking for forced labor is growing substantially. As discussed above, new legislation promises to raise the TIP profile further. WOTCLEF raises national awareness of the trafficking problem through Titi Abubakar's high profile involvement in the issue. In 2001 WOTCLEF sponsored the first Nigerian-hosted Pan-African conference on Human Trafficking in Abuja.

Despite the capital-intensive nature of reaching the village level (transportation requires rugged vehicles and hours of slow plodding through dilapidated, ill-defined roads at times overrun by vegetation), state level actors are making significant headway in public awareness campaigns. In 2002, Imo State forged an innovation and comprehensive anti-trafficking campaign through its Ministry of Women's Affairs and Social Development. This campaign includes radio jingles in pidgin English and local tongues (warning parents to "beware of people who come with shiny gifts"), handbills, billboards, newsletters, public service announcements, posters, a 5-episode television dramatization series, a

documentary, and on-site, intensive, public briefings by the ministry in all Imo local governments. The Imo House of Assembly introduced a bill mandating that employers provide for education of their household staff.

Public awareness campaigns continue to blanket Edo and other eastern states where most of the commercial sex workers originate. Despite campaign efforts, the lucrative returns from the international prostitution trade and prevailing economic conditions lower the stigma attached to prostitution. Idia Renaissance works to raise awareness of the dangers of trafficking with parents, leaders, traditional rulers, village heads, and civic groups. The governor established an Underprivileged Children's Scholarship Fund for 179 students. Youths affiliated with the Chari-love NGO in Edo wrote, produced, and perform a play to educate communities about the deadly allure and hazards associated with TIP. Other on-going campaigns include issue-raising by Josephine Anenih, wife of the former federal Minister of Works and Housing, as President of the Federation of Women lawyers (FIDA) in Edo State, whose lobbying efforts brought about the 2000 law increasing Edo's penalties for traffickers. Despite the humiliation to victims, Governor Lucky Igbinedion has published the names of returned prostitutes and their families in the national dailies to discourage families from putting their daughters into prostitution. This controversial tactic began to stigmatize the prostitution industry in Edo society, which had largely grown to accept it as an admirable employment for the state's young ladies.

In October 2002 in Anambra, Genevieve Ekwochi, the commissioner for women affairs told the press that some orphanages were selling babies entrusted to their care. Following an allegation made against one such home, she ordered it closed transferred the home's 22 babies to a government-owned home. Ekwochi said the home's caretaker had been arrested and charged with child trafficking. She said their investigation "had so far found that the babies were sold abroad, where their organs such as kidney and heart were being transplanted into patients."

Onari Duke, wife of the governor of Cross River, is particularly concerned about the sale of children by their families in the northern part of the state during the period just after the holidays, when families may be financially strapped. Despite the efforts in these particular states, Bisi Olateru-Olagbemi of Women's Consortium of Nigeria (WOCON) says funding for shelters that provide housing, education, job training, and protection from family members for the repatriated women is an unmet and immediate short-term need. Olateru-Olagbemi's organization's preliminary research on the problem includes a survey of repatriated women. She also conducts public awareness campaigns and national workshops. In the North, Girl-Child Education Programs are an important preventive measure.

1D. The federal government offers little to women and children as alternatives to trafficking. The GON is actively engaged in an ILO/IPEC program to end Nigeria's Worst Forms of Child Labor. The federal Ministry of Women's Affairs has few accomplishments to advance the economic or social status of Nigerian women. A handful of national leaders are committed to advancing women politically, and women have made limited in-roads in this respect during the season leading up to the Spring 2003 elections. Women face formidable social and legal barriers to equal opportunity with men, including Constitutional discrepancies in women's rights compared to those of men. Although primary education is compulsory, this requirement is not rigorously enforced. Many primary and secondary school aged children work when they should be in the classroom. Child labor experts believe that the GON's commitment to improving educational access is genuine, but tangible results of this commitment have yet to materialize (ref B).

State governments are increasingly taking initiative in providing options. Many recognize that free primary education is the best means of relieving the pressure poverty places on families most vulnerable to trafficking. In Imo state, the government stopped collecting school levies and provided school uniforms. Primary school fees are less than a dollar per month, which the government believes is an affordable cost to most families. Most of the women returned to Nigeria are ethnic Bini and hail from Edo State, the former kingdom of Benin. Eki Igbinedion, wife of the Edo state governor, founded the NGO "Idia Renaissance" to fight prostitution and trafficking. Idia also rehabilitates repatriated prostitutes. At the Idia Skills Acquisition Center in Edo, 200 young women enroll in four to six month programs teaching in catering, computers,

secretarial, hairdressing and sewing. This year, they are

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venturing into a microcredit cooperative program to foster the young girls' creation of cottage industries to sustain themselves. Idia's educational programs address high drop-out rates among girls aged 15 to 20. The Edo government's subcommittee on women's political affairs creates awareness of the issue, instills responsibility in parents toward their children, and educates children to the dangers of the trade. Press reports indicate that traffickers have threatened the Igbinedions for their high-profile exposure of those involved in the trade.

In 2002 the Rivers State government created seven skills acquisition centers in local governments. They intend to place one in each of the 23 local governments. Skills taught in the centers included sewing, hairdressing, cosmetics, carpentry, soap-making, computers, catering, and decorating. The Rivers government recognizes a myriad of social factors compounds TIP, and is working on ways to address them all. Trafficking in Persons is in large measure a symptom of the widespread social, economic and political problems that confront Nigeria. These myriad problems will need to be addressed in tandem with the creation of greater public awareness of the dangers of TIP if TIP itself is to be reduced and eventually eliminated.

In Akwa Ibom state, officials have made in-roads to defining the pattern of traffickers and hope to undermine their operations with increased surveillance. In 2002, the police commissioner recognized that Akwa Ibom had a large and growing trafficking problem. Law enforcement officials there estimate that Akwa Ibom is mainly a "transit center," with less than half the victims originating directly from the state. The destinations include Cameroon, Equatorial Guinea, South Africa, and Gabon. Parents of the victims within the state have received pay-offs. The state's woman's commission began airing radio jingles to warn parents of the truth behind trafficker schemes. Their core message is that parents must learn to be responsible for their children until they are adults, to "get away from the idea that sending them to the 'Big City' will lead to their better future." As the wife of Governor Attah says, "There must be a partnership. The government must say to its people, we will educate your child and provide opportunity for skills development. The parent must agree to be responsible for the child's guardianship until they are ready to provide for themselves." They are engaging in a sustained sensitization program, but warn that the underlying cause of poverty is less easily addressed.

In Abia state, NGOs worked with the Ministry of Women's Affairs to raise public awareness of the trafficking problem. WOTCLEF held a public forum at Abia State University to sensitize mothers to the dangers with allowing their children to be sold off. The women's commissioner argued that "The problems lie with the parents. Mothers pretend not to see." Other messages included the warning that pursuit of "fast money" and a glorified lifestyle would not pay off in the long run. In villages, anti-TIP meetings and workshops addressed grassroots. Churches held meetings to raise the issue with parishioners. There had been a few television discussions on the rights of the child and child abuse. UNICEF programs were sensitizing the local population about birth control. The local governments had set up child rights committees. Since 2000, Abia was enforcing a "no hawking during school hours" rule to curb the time spent out of the classroom by children.

Supplementing individual state efforts, NGOs have made significant contributions to preventing TIP. In Edo State, St. Rita's Comprehensive High School provides three-year vocational training in various programs, including: cosmetology, computers, catering, secretarial and accountancy, weaving, fashion and designing for more than 100 students between the ages of 17 and 25. With additional funding, they could double their number of students.

E. The GON is able to support prevention programs, but only to a limited extent. To date, there is no anti-TIP budget item. The GON has many pressing needs before it and has not yet focused on a comprehensive anti-trafficking program. An overall improvement in Nigeria's badly deteriorated economy and education system is needed to address the root causes of Nigeria's TIP problem. Moreover, a complete overhaul of the system of endemic corruption would free resources for productive social programs. Elected officials regularly divert funds specifically allocated to official social projects to other use.

IF. The relationship between the federal executive and legislative institutions and NGOs varies depending upon the NGO's political affiliations. NGOs' repeated efforts to introduce anti-TIP legislation in the National Assembly were thwarted until the Vice-President's wife's NGO, WOTCLEF, successfully submitted the draft anti-TIP law to the Assembly in 2001, which finally passed last month (see above). NGOs in all areas of civic society want federal funding of their programs. The involvement of wives of government officials has made it increasingly difficult to distinguish between genuine NGOs and other politically-oriented organizations established under the banner of anti-TIP work. Established NGOs with good grassroots support feel threatened by and are often out-financed by NGOs created by high-profile political figures. Despite heavy competition for scarce resources, most anti-TIP NGOs are familiar with and complimentary of each other's work. Some work together or regularly meet to discuss issues of common interest. NGOs frequently applaud the GON's permissive attitude toward freedom of speech and association since 1999, a dividend of democracy that is appreciated universally.

IG. No, the GON does not adequately monitor its borders or immigration and emigration patterns for evidence of trafficking. Not all law enforcement agencies respond appropriately to such evidence. For example, Embassy officers repeatedly have observed small sum payments to customs and immigration officers (the equivalent of 20 cents to ten dollars) for quick passage without paperwork. Four countries border Nigeria, and illicit trafficking of persons and goods is easily conducted via unofficial border crossings. Poorly trained and corrupt immigration officials do not look for evidence of trafficking, nor do they usually respond adequately when evidence is presented. As noted above, stricter document controls and scrutiny at Murtala Mohammed International Airport in Lagos have resulted in a shift of trafficking patterns to take advantage of the country's porous overland borders and coastal maritime routes.

IH. In 2002 the President established an inter-ministerial committee to coordinate all federal anti-TIP policies and programs. The committee is chaired by the Minister of State for Justice and has subcommittees on law enforcement; prevention efforts, legal reform; and planning of an international anti-TIP summit. In 2002 President Obasanjo established the position of Special Assistant to the President on Human Trafficking and Child Labor. The government has a police anti-TIP task force and an independent (answering only to the President) anti-corruption commission. However, throughout the year, the looming 2003 elections demanded increasing attention by senior elected officials.

II. The GON continues to participate in regional and international conferences and forums addressing TIP, including the Regional Meeting on the Implementation of the ECOWAS Plan of Action Against Trafficking in Persons in Lome in December 2002. This meeting focused on national actions, areas for multilateral cooperation, proposed solutions and a Plan of Action for areas of intervention which suffer from gaps or duplicate efforts. The GON postponed its planned hosting of an international TIP summit in Abuja August 2002 to formulate better regional and international strategies to prevent, monitor and combat trafficking. No new date has been announced.

IJ. The GON does not yet have a national plan of action to address TIP. The National Labor Advisory Council (NLAC) is responsible for receiving and investigating child labor complaints and for enforcing regulations. NLAC, IPEC, and UNICEF are coordinating efforts to develop enforcement strategies, focusing on awareness and official training activities. The Ministry of Employment, Labor and Productivity established a special office for child labor. Additional information on child labor issues is in Ref B. The inter-ministerial TIP Committee is working toward a national plan with the assistance of the USDOJ-funded ILO-IPEC program. The Ministries of Women and Child Development, Health, Education, Justice and Foreign Affairs are key participants in this process, which will include the voices of NGOs, according to the responsible Presidential Advisor.

IK. In 2002 President Obasanjo named Michael Mku to the new position of Special Assistant to the President on Human Trafficking and Child Labor. Mku has since left the position and no replacement has been named.

14. INVESTIGATION AND PROSECUTION OF TRAFFICKERS:

1A. As discussed above, until President Obasanjo signs the bill which passed the National Assembly on February 18, 2003, no federal law specifically prohibits TIP. With the legislation's passage, there is renewed hope that anti-TIP efforts will be successful as Nigeria's criminal code undergoes change in this new democracy. The criminal code applying to southern Nigerian states addresses some trafficking aspects, especially regarding children, in chapter 21. Sections 276-279 of the Northern Penal code, which applies to the 17 northern states, forbid trafficking of females for prostitution or any immoral or illegal purpose. It should be noted that each of Nigeria's 36 states began updating state laws in 1999. The criminal code and the penal code may no longer be universally applicable as new laws or court systems (e.g. Shari'a statutes) have supplanted or supplemented older laws. For example, Edo's law specifically targets traffickers of women and children, adding provisions beyond those found in the criminal code. There are laws against kidnapping, rape, and slavery of which prosecutors can avail themselves to arrest traffickers in many cases.

1B. There is no federal penalty for trafficking in persons, given the lack of a federal trafficking law. Under the criminal code, penalties for trafficking of children include fines and imprisonment from two to seven years. Under the penal code, penalties for encouragement of prostitution for women or children range up to ten years.

1C. The penal code protects children from sexual abuse through age 14 and defines all abuse under this age as rape. The criminal code prohibits the sexual assault or indecent assault of boys under the age of 14 (Criminal code Cap. 42, Chapter XXI, S. 216) and girls under the age of 13 (Criminal Code Cap. 42, Ch. XXI, S. 218). Sexual assault of girls between the ages of 13 to 15 is known as defilement and is categorized as a misdemeanor offense (Criminal code Cap. 42, Ch. XXI, S. 221). For conviction of unlawful carnal knowledge or defilement of girls, prosecution must take place within two months of the commission of the offense, and be corroborated by the testimony of an additional witness. (Comment: few convictions for sexual assault or defilement of girls are won -- or even brought before a court -- under these statutes. The criminal court system can take months if not years to hear a case. It is extremely difficult for prosecutors to find a witness to corroborate the victim's testimony, especially since discussion of sexual issues is taboo in most areas. End Comment.) Anyone causing or encouraging female prostitution before age 16 is liable for imprisonment up to two years (criminal code Cap. 42, Ch. XXI, S. 222A). Adults and Rape: under the criminal code, rape is defined as "unlawful carnal knowledge of a woman or girl, without her consent, if the consent is obtained by force or by other means of threat or intimidation of any kind, or any fear of harm, or by means of false and fraudulent representation as to the nature of the act." The penalty is life imprisonment. A judge may also declare an additional penalty of "whipping" for a convicted rapist. Under Section 282 of the Penal Code, the threat of death or injury, or the use of deceit, must be used for unlawful carnal knowledge to be considered rape. The Penal Code provides for a court to determine any length of imprisonment, including life, for rape. Compared to the Edo State law against trafficking, and the provisions in Chapter 21 of the Criminal Code, and provisions in the Penal Code, Nigerian lawmakers view rape as a much more serious offense. Unfortunately, few offenders are brought to book despite these laws.

1D. As there is no federal law against trafficking, no cases have been tried under an anti-TIP law. Criminal penalties and civil fines have not been applied successfully and do not deter violations of child labor laws. The GON attempted to prosecute one prominent case in 2002 against a well-known Lagos businesswoman, Bisi Dan Musa, wife of a former presidential candidate. She was arrested and charged with 19 counts of child stealing and slave dealing, as no anti-TIP law had yet been enacted. Authorities reportedly found 16 children between the ages of 1 and 4 in her custody without evidence of authorization from the parents. The trial was discontinued after most of the parents could not be found or were unwilling to testify, and she was released on bail. As discussed above, the GON in November 2002 was searching for a former customs officer and two others suspected of trafficking children in Abuja. The investigation is still underway. At the end of 2002, 30 trafficking cases were pending in Edo, which has an anti-trafficking law and an anti-TIP police unit, including one case against a senior traditional ruler who was stripped of his title. Many states arrested known traffickers but were forced to release them when victims and their families

refused to testify. See also section F below.

E. Some traffickers enjoy strong ties to traditional rulers, particularly in Edo and southeastern states. The collusion of victims' family members impedes law enforcement efforts. As noted previously, anecdotal evidence suggests that Edo state-based crime groups control the traffic in women and girls from that state to Italy and engage in other such criminal activities as drug-trafficking and money-laundering. Moreover, there is increasing evidence that former victims of trafficking are involved in the recruitment of young girls for commercial sex work in Europe. Some law enforcement and government officials in Edo reportedly have been involved in the trade. Travel agencies and employment firms based in the South-East and South-South frequently advertise bogus offers of legitimate employment in Europe and the U.S.; these firms are suspected trafficking fronts.

F. Interpol and members of the anti-Trafficking Task Force have minimal resources for investigations and are preoccupied with repatriating victims to their states of origin. The task force swings into action when it receives notice of imminent deportation of Nigerian TIP victims from Europe or a trafficker is intercepted at the border. They begin investigations by interviewing victims, who generally do not cooperate in providing criminal evidence against traffickers because of their fear of retribution or preternatural curses. Next, members of the task force will videotape the victims and travel to their homes for identification purposes and contact their families. The deportees are tested for HIV/AIDS. Those who test positive are turned over to the state of origin's commission for health. Electronic surveillance and undercover operations are techniques used in the investigation of other criminal activities in Nigeria. Edo State is developing a witness protection program and exploring options for camera-based testimony. However, given inadequate resources, such techniques are not currently employed in Nigeria's anti-TIP law enforcement response. Since traffickers have yet to be convicted, the issue of mitigated punishment or immunity from prosecution is generally moot.

The government regularly arrests suspected traffickers, which has received increased press coverage in the past year. In March 2002, immigration officials arrested 3 traffickers and freed 12 victims in the north. The traffickers and the victims were paraded before the press by the Minister of Internal Affairs, Chief Sunday Afolabi, who used the occasion to condemn trafficking as "modern-day slavery" and called for tighter scrutiny of travel documents at West African borders. In April 2002, the State Security Service intercepted ten teenage girls being trafficked out of Nigeria and arrested the trafficker.

In September 2002, a victim escaped to a nearby police station in Oyo State to report that she and three other teenagers had been trafficked to Ibadan for CSE from Edo State. The police arrested the two traffickers, but the outcome of the case is not known. In January 2003, police in Ebonyi State arrested seven businessmen from Cross River State who "were found in possession of ten under-aged boys" while traveling to Akure, Ondo State. Reports said the police discovered "different types of charms with the suspects, and it was believed that the charms were used in making the children to be unconscious." Children told the press that they "did not know their destination, but were only promised that they would be helped to make some money. The children said they had to start looking for means of earning some income because their parents could no longer pay their school fees." Demonstrating the limited social understanding of the conventional trafficking definitions, the suspects denied involvement in child trafficking, "saying that they were only trying to get their junior ones to Akure to get employment." The police commissioner "paraded the victims" before journalists, who published the children's names. The victims and traffickers were held by police while the case was pending. Also in January 2003, immigration officials in Ogun State arrested four suspected traffickers and twenty child victims. Some were allegedly in transit for housekeeping work in Lagos, others for prostitution. The cases were pending at the time of this report.

G. Police understanding of the trafficking problem remains varied. In meeting with USG officials on TIP, police commissioners in some states demonstrated their lack of understanding of standard TIP definitions. When given time and audience, post has successfully explained the distinctions between trafficker and victim, trafficking and smuggling, and so on. Comprehensive training at all levels

of the law enforcement community would help. The Nigerian Police Force (NPF) soon will receive a specialized anti-trafficking training program for members of its anti-TIP Task Force as well as members of the general police force posted to areas of significant trafficking activity. This project, which the UGG funds and the International Office of Migration implements, will seek to add an anti-TIP training module to the basic training curriculum for new police recruits.

In August 2002, the only female police commissioner, Nana Aisha Abdulkadri, announced at a press conference in Port Harcourt, Rivers State the creation of an all-female special mobile police squad to be deployed "mainly for the fight against human trafficking, particularly female trafficking." Commissioner Abdulkadri said the squad "will be given special training on martial arts" and "used to investigate cases of human trafficking, especially women, and as undercover on drug barons as well as to investigate other cases that concern women and crime."

IH. On January 14, 2003, the instruments of ratification of the U.S.-Nigerian Mutual Legal Assistance Treaty (MLAT) were formally exchanged and the Treaty was entered into force. Although the MLAT does not deal specifically with TIP, under this treaty, the GON will establish an interagency anti-fraud unit and taskforce that will be responsible for combating the use of fraudulent documents at MMIA in an attempt to gain entry to the U.S. With this process, fraudulent documents should be detected and traffickers exposed. The GON cooperates with other governments on TIP investigations and prosecutions. As in previous reports, post cannot provide a specific number of cases. The most significant case remained the 2001-2002 arrest of 15 Nigerian traffickers in Conakry and the Guinean government's subsequent extradition of these 15 to Nigeria (see paragraph I below).

II. The 1931 U.S.-UK Extradition Treaty was made applicable to Nigeria in 1935 and is the legal basis for pending U.S. extradition requests. The GON's extradition agreements with numerous countries but usually have a "dual criminality" requirement: a person is not subject to extradition to stand trial for an alleged offense committed in/against a foreign country unless that same offense is a crime under Nigerian federal law. Since trafficking is not yet a federal crime, traffickers cannot be extradited for that particular offense, though they could be extradited for related offenses such as kidnapping, slavery, and abuse of a minor. The 15 Nigerian traffickers arrested in Conakry were extradited to Nigeria, but the 33 women and girl victims failed to testify without protection. The GON's early 2002 prosecution of the 15 traffickers--including a former police commissioner--in this high-profile international case has stalled. It appears unlikely to continue despite the GON's commitment to make this an example of strong anti-TIP enforcement. The victims were returned to Edo, and some were re-trafficked. Since then, Edo has increased prevention efforts by developing skills acquisition centers throughout the state for returning victims and other women and girls.

As discussed above, there is evidence of government tolerance of trafficking on a local and national institutional level. There are also cases against government officials accused of trafficking. Deputy Inspector General (DIG) of Police Ojomo, forcibly retired on March 6, 2002, claimed to have been investigating allegations of the collusion of Customs officials in the illegal trade. Returnees have made allegations that Nigerian Immigration officials accepted bribes to look the other way when traffickers take victims out of the country. There are credible allegations that some traditional rulers in Edo State have assisted traffickers and support the recruitment of Bini women into the international sex trade. Consequently, efforts to engage local government authorities and traditional rulers in an awareness campaign frequently run aground because of leadership acquiescence in or support of human smuggling.

IK. See answer in section H of paragraph 2.

IL. President Obasanjo signed the instruments of ratification for ILO Convention 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labor in 2002, as well as ILO Convention 138 concerning Minimum Age for Employment and Convention 111 on Equality of Occupation. On January 28, 2003, the House of Representatives ratified the Protocol to Prevent, Suppress, and Punish Trafficking in Persons,

especially women and children, which supplements the UN Convention Against Transnational Organized Crime. On the same day, the House rescinded its previous decision (on October 30, 2002) which rejected the Child Rights Bill. Public hearings on the bill will review and reconsider the bill, whose sections setting the minimum age for marriage at 18 are considered "offensive" to some Nigerian customs. Despite the delay in passing this domestic law on child rights, Nigeria did ratify the UN Convention on the Rights of the Child in the early 1990s. The GON signed the Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography on September 8, 2000 but has not yet ratified it. In 2000, the GON became the first African country to sign the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (supplementing the UN Convention against Transnational Organized Crime), which it ratified in 2001.

15. PROTECTION AND ASSISTANCE TO VICTIMS:

1A. Clear policies have not yet been established to deal with persons trafficked to Nigeria. All regular laws apply. For trafficked victims returned to Nigeria, social services for resettlement are provided by a small number of financially-strapped NGOs, not the government. Some victims are forcibly returned against their will when foreign police sweep and round up prostitutes for deportation. These victims usually lose any private property they had acquired abroad and arrive home in chains. Other victims, escaping the tight watch of their traffickers, return voluntarily through such programs as that offered by IOM. The Italian government has provided USD 800,000 to the IOM for assistance to women and girls repatriated to Nigeria and to provide medical aid for returnees with HIV/AIDS. The Italian government provided another USD one million for preventative medical programs discouraging the spread of HIV/AIDS in the country. Various actors within the GON have made sporadic attempts over the past four years to "parade" returned victims before the media to discourage cooperation with traffickers. Media reports have carried estimates of the number of those infected by HIV/AIDS in these reports. While it may serve as a deterrent to some potential victims, this campaign does not provide any assistance to those already victimized by the illicit trade.

In Edo State, IOM has opened a brand-new shelter that can comfortably house several dozen repatriated trafficking victims. IOM airs jingles, television spots, and displays posters and billboards across Edo as a preventive campaign. IOM also runs a hotline to answer questions the public has about trafficking (although this has had mixed results--some callers want information about how to join in CSE trafficking). IOM meets with village heads and arranges public viewing of an educational video in the center squares.

In December 2002, the Swedish International Development Cooperation Agency (SIDA) allocated USD 900,000 over three years to support a UNICEF anti-TIP project, its "Model Youth Resource Learning Centre in the South-south zone of Nigeria." The project will "reduce the underlying causes of child trafficking, youth violence and HIV/AIDS prevalence among adolescents in Edo and Delta states in collaboration with the Federal Ministry of Women Affairs and Youth Development, state and local governments as well as civil society actors."

1B. The GON has planned to provide funding to NGOs, such as the National Council for Women Societies, WOTCLEF, the Child Welfare League of Nigeria (CWLN), and IDIA Renaissance through the Inter-ministerial Committee Against Trafficking in Persons to assist returning victims. To date, such funds have not been allocated or received by the NGOs.

1C. In September 2002, Foreign Minister Sule Lamido publicly appealed to host countries of Nigerians abroad that "the dignity of Nigerians must be respected, migrant workers of Nigerian origin protected and those trafficked recognized as victims who must be assisted rather than be dehumanized." Victims who are returned from other countries, such as Italy, are currently subjected to confinement, sometimes in cramped facilities along with criminals for varying periods of time. Victims repatriated to Nigeria are also subjected to mandatory testing for HIV/AIDS and other sexually transmitted diseases before being released from police custody. These repatriated trafficking victims are seldom prosecuted for violations of other laws such as immigration or prostitution offenses.

1D. The Police Anti-TIP Task Force encourages repatriated victims to provide testimony for the prosecution of Nigeria-based traffickers, but it rarely receives adequate evidence as many women and girls have been threatened by traffickers, often through juju, if they cooperate with law enforcement. There is no witness protection program in Nigeria, though witnesses could seek legal action against traffickers through civil suits (no such suits are known to date). Given the lack of a federal trafficking law and the paucity of related criminal investigations, it is not known if victims who cooperate in an criminal investigation as a material witness are permitted to obtain other employment or leave the country.

1E. No victim or witness protection is currently available, though, as mentioned above, the federal government is planning to establish long-term care and vocational training facilities for returned victims. Also, witness protection measures may be included in the TIP legislation now being considered by the President Obasanjo for signature into law. Edo State is working to develop a witness protection program of its own.

1F. Italy is by far the destination of choice for Nigerian women trafficked abroad. The GON has stationed a consular officer at its embassy in Rome to assist Nigerian trafficking victims arrested or rescued by Italian police and to facilitate their repatriation to Nigeria. The Nigerian Embassy in Rome works closely with Italian police, immigration and Carabinieri and coordinates shelter care for Nigerian trafficking victims with Catholic NGOs such as Caritas. Diplomatic personnel have been trained in other key posts, such as Gabon, Benin, and Togo, to assist, refer, and shelter victims.

The Nigerian Ambassador to Gabon was personally responsible for assisting two children in Libreville who recently approached the Embassy for asylum from their trafficker. He contacted the state of origin of the children, which was Imo, and WOTCLEF brought the children back to Abuja for eventual return to their worried mother, a widow who thought her children were in the care of a generous distant relative. The Nigerian Ambassador has set up a small center in Libreville to provide shelter to other victims. Word has spread among the Nigerian victims in Gabon that the Embassy can help them. In response to this information, Imo State sent an official delegation on a fact-finding mission to Libreville. Upon return, they immediately began their new public awareness campaign strategy as discussed above. Training of other Nigerian consular officers and members of the NPF anti-TIP Task Force in Lagos, appears informal and minimal, though the IOM project mentioned previously plans to provide a formal training regime for the Police.

1G. The GON's Anti-TIP Task Force provides limited short-term shelter for victims of trafficking returned to Nigeria. The GON recently donated land in Lagos for a victim transit shelter facility. This is facilitating the IOM's voluntary repatriation program mentioned previously. Victims who test positive for HIV/AIDS at the short-term shelter in Lagos are turned over to the health commissions of their state of origin for follow-on treatment and counseling.

1H. Several NGOs are active on the anti-TIP front, including: Eki Igbinedion's IDIA Renaissance in Edo; Bisi Olateru-Olagbemi's Women's Consortium of Nigeria (WOCON); Titi Abubakar's WOTCLEF; the International Human Rights Law Group; Women Advocates Research and Documentation Center (WARDC); Project Alert On Violence Against Women; BAOBAB for Women's Human Rights; Women, Law and Development Center; Nigerian Association of University Women; Central Educational Service; Women's Rights Watch Nigeria; National Commission of Women in Religions' Committee for the Support of the Dignity of Women; Federation of Women Lawyers (FIDA). The National Coalition Against Trafficking in Persons (NACATIP) is an alliance of over a dozen NGOs to address common interests and share information at regular meetings or via email. These groups, particularly IDIA Renaissance in Edo State, provide long-term comprehensive assistance to trafficking victims without receiving federal funding. The stated commitment of President Obasanjo to the fight against TIP has not yet yielded funds for these local efforts to aid trafficking victims.

16. Post's contacts on this issue have been Lorelei Schweickert and Mark Taylor. For the remainder of 2003, please contact Garace Reynard, +234-9-523-0916, 523-8001, 523-0960, mobile +234-803-402-1471, email reynardga@state.gov.

17. Approximately 100 hours were spent by poloff (FS-5) in the preparation of this report.

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